

CHAPTER TEN

'AHD: MUSLIM/MUDEJAR/MORISCO COMMUNITIES
AND SPANISH-CHRISTIAN AUTHORITIES

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This chapter explores an important reality of medieval society in the Iberian Peninsula: coexistence between Muslim subject communities and the dominant Christian society by means of pacts that regulated their mutual relationships. Islamic political thought regarding Muslim pacts with non-Muslims, as well as modern theological doctrine, will be considered in this discussion.¹

Muslims and Christians were compelled to enter into pacts with one another in order to coexist. An understanding of such pacts is essential for comprehending the dynamics of Muslim-Christian interaction in Iberia during the six centuries during which sizable Muslim communities lived under Christian domination. The numerous pacts (*'uhūd*, sing. *'ahd*) established between Muslims and Christians from the late twelfth century to the early seventeenth century in Iberia created a framework for mutual coexistence and structured the response of subject Muslim communities to the dominant Hispanic society. The survival of these Muslim communities, or *aljamas de moros*, in the Christian society was predicated on the establishment of these pacts. An understanding of the Islamic doctrine of *'ahd* will help to explain how these agreements were understood by the subject Muslim communities and came to be implemented.²

The Mudejars sought to obtain from the Christian authorities the same rights as subject Christian communities had enjoyed under Islamic rule. If they surrendered without fighting (*sulḥan*), they expected to be granted security (*amān*), with respect to person and property, guaranteed by a fundamental pact (*'ahd*), which both parties agreed to

¹ Transcription from Arabic here conforms to the system explained above in the first paragraph of chapter three. Intra-textual references are to the Koran (*Qur'ān*). Koranic passages have been translated by Paul E. Chevedden.

² See Mikel de Epalza, "Les Morisques, vus à partir des communautés mudéjares précédents" in *Les Morisques et leur temps*, ed. Louis Cardaillac (Paris: 1983), pp. 29-41, esp. 38-40. See a wider view of this problem, in the central period of those medieval Islamic-Christian relations, in Powell, *Muslims under Latin Rule 1100-1300* (cf. above, chap. 9, note 9).

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keep for the sake of mutual interest. This study will present an overview of several Islamic realities—doctrinal realities in their koranic foundations and practical realities in their historical realizations—pertaining to the Islamic notion of pact. Our central thesis is that the conception of *‘ahd* underlay, on the Muslim side, all of the agreements Mudejars reached with the Spanish Christian kingdoms of the Middle Ages, as they entered into new relationships with these states as subject communities. The primacy of *‘ahd* in Christian-Muslim relations is underscored by the fact that the main Mudejar complaint against the Catholic kings who conquered Granada in 1492 and signed capitulations with Muslims was that they did not comply with pacts.³

The Meaning of Pact in Arabic

Arabic dictionaries, whether of the medieval or modern language, present an array of definitions for the word *‘ahd* and for the words derived from the trilateral root *‘-h-d*, namely: “knowledge,” “acquaintance,” “fulfillment” (of a promise); “commission”; “commitment”; “responsibility”; “pledge”; “promise”; “oath”; “covenant,” “pact,” “treaty.”⁴ The word *mu‘ahadah* (pl. *mu‘ahadāt*), derived from *‘-h-d*, carries the meaning of “agreement,” “arrangement,” “accord”; “alliance,” “treaty,” and “pact.”⁵

Among the many meanings derived from the root *‘-h-d*, the primary one of “pact” is fundamental. A “pact” can be made between God and men or between individuals. In the latter case, relations between Muslim and non-Muslim communities can be governed by a pact. Such was the case in medieval Iberia when subject Muslim communities (Mudejars and Moriscos) entered into pacts with various Christian kingdoms of the peninsula.

This chapter will focus on five historical uses of words derived from the root *‘-h-d*, with the aim of understanding the main linguistic and socio-religious dimensions of the pacts made by Mudejars and Moriscos:

³ See the recent study by Ángel Galan Sánchez, *Los mudjares del reino de Granada* (Granada: 1991), esp. pp. 293-355.

⁴ For example Federico Corriente, *Diccionario árabe-español*, 2d edn. (Madrid: 1986), p. 540; Hans Wehr, *A Dictionary of Modern Written Arabic*, 4th edn. (Wiesbaden: 1979), s.v. *‘-h-d*; and Albert de Biberstein Kazimirski, *Dictionnaire arabe-français* (Paris: 1860), II, 393-396.

⁵ Wehr, *Dictionary*, s.v. *‘-h-d*.

- 1 The concept of *‘ahd* in the Koran.
- 2 Pacts made by Muslims with Christians in Spain. The peace treaty between ‘Abd al-‘Azīz b. Mūsá b. Nusayr and Theodemir (called Tudmir in Arabic) in Rajab 94/April 713, in the Iberian East or Sharq al-Andalus, will receive special attention as an example of such a pact.
- 3 Christian “pact-makers” (*mu‘ahidūn*) or Christian subject communities, in Islamic Spain.
- 4 *Mu‘ahadāt*, or treaties, between Muslim and non-Muslim states, exemplified by treaties between Spain and Muslim countries in the eighteenth century.
- 5 The *dār al-‘ahd*, or “the Realm of the Pact,” a designation given by some Muslim theologians—particular those belonging to the Shāfi‘ī school of law—to domains that were neither part of “the Realm of Islam” (*dār al-islām*), regions under Muslim rule, nor part of “the Realm of War” (*dār al-ḥarb*), regions not under Islamic domination.

These five politico-religious realities, different but mutually complementary, will be examined in order to provide some insight into the establishment of pacts and treaties between the Hispanic Christian kingdoms of the Middle Ages and Muslim subject communities (Mudejars and Moriscos).

The Concept of ‘Ahd in the Koran

Three words derived from the Arabic trilateral root *‘-h-d* appear forty-six times in thirty-five verses of the Koran: The verb *‘ahida*, *ya’hadu* (six times), with the sense of “settling an alliance,” “coming to an agreement,” “making a pact”; the verb *‘ahada* (eleven times) with the sense of “settling” (an alliance), “concluding, coming to (an agreement),” “contracting (a compromise or a pact),” “making a pact”; the noun *‘ahd* (twenty-nine times), with the sense of “alliance,” “compromise,” “conclusion,” “contract,” “pact,” or “promise.”⁶

⁶ See Hanna E. Kassis and Karl I. Kobbervig, *Les concordancias del Corán* (Madrid: 1987), pp. 66-67. The various morphological forms of those three words are in Muḥammad Fu‘ād ‘Abd al-Bāqī, *al-Mu‘jam al-mufahras li-alfāz al-Qur‘ān al-karīm* (Cairo: 1378/1959), p. 492.

The frequency and wide distribution with which these three words appear is significant. While words derived from ‘*h-d* are not the most common words in the Koran, they have a certain importance and significance. They appear in contexts and with meanings that are different, but they all share a semantic core meaning related to the making of a formal agreement. We shall give priority here to pacts between Muslims and non-Muslims.

A pact can be exclusively religious, such as “pacts” with God, especially those made by pre-Islamic biblical figures or by pre-Islamic communities: Adam and his descendants (Koran 20:115; 36:60); Abraham and Ishmael (Koran 2:124-125); Moses and the Egyptians (Koran 7:102, 134; 28:86; 43:49); Jews (Koran 2:100, 183; 6:152); the men who receive revelation through the Holy Books (Koran 19:78, 87) and men examined on doomsday for their fidelity to the pact. In this context, the word ‘*ahd* and its derivatives are equivalent to the Christian concept of “testament,” which is also expressed in Arabic by means of ‘*ahd*: “Old Testament” (*al-‘ahd al-‘adīm*) and the “New Testament” (*al-‘ahd al-‘jadīd*). This extremely important religious notion of “pact” or ‘*ahd* between God and human communities, achieved through a mortal functioning as a divine envoy, underlies all koranic references to pacts made by the Prophet Muḥammad with his contemporaries, especially with his opponents. The pacts which the Prophet contracted, in turn, functioned as exemplars and analogical antecedents for later Islamic pacts with non-Muslims.

A second kind of pact in the Koran is the application of the divine pact as made by non-Muslims with Muḥammad. Such pacts establish a global “agreement” that defines the status of social groups, that of Muslims and that of the rest of the socio-religious communities in Medina, in Mecca, and in regions in the Iberian Peninsula. In this sense, the notion of ‘*ahd* is equivalent to “constitution” or “fundamental pact.” It establishes a juridical order or system. Several texts on pacts with the Jewish communities of Medina or with Christians from Najrān have been preserved by Muslim tradition.⁷

Although we cannot be sure that the wording of these pacts is truly the Prophet’s, the conceptions reflected in them do represent the general opinion of Muslims about their relations with non-Muslims.⁸

⁷ Antoine Fattal, *Le Statut légal des non-musulmans en pays d’Islam* (Beirut: 1958), pp. 1-69.

⁸ See a “model” of the pact of “protection” or *dhimma* in al-Shāfi‘ī, as transl. in Fattal, *Statut légal des non-musulmans*, pp. 77-81. The notions of ‘*ahd* (“pact”) and *mīthāq* (“alliance”) are present in this text; these notions will appear in al-Andalus, in the treaty of Tudmīr.

This “constitutional” sense, essential in an Islamic society, is obviously very closely related to the concept of “pact” in the settlement of newly conquered territories (e.g., the treaty of Tudmīr), in the Christians’ status in Islamic society (the case of the *mu‘āhidūn*, called by historians “Mozarabs” in al-Andalus), in treaties of peace and commerce that set up permanent relations between Muslims and non-Muslim states (as in the case of Spain and Muslim countries in the eighteenth century), and finally in the Muslims’ status under Christian rule (the case of Mudejars and Moriscos in Hispanic kingdoms).

Fidelity to pacts is a virtue recommended negatively—as is the case in many koranic precepts—with a condemnation for those who do not show fidelity to pacts. The consequences are the sowing of discord in the world (Koran 3:76), the suppression of faith and trust between men, and the risk of losing eternal life (Koran 3:77), or danger of attracting war (Koran 8:56-57; 9:1-4). The positive aspect of the obligation to keep pacts is very well expressed among a set of practical obligations defining the good Muslim, sincere and God-fearing:

Piety does not consist of turning your faces to the East and to the West. True piety is embodied in one who believes in God, and the Last Day, and the angels, and the Scripture, and the prophets; and gives his wealth, however cherished, to kinsfolk and orphans, and to the needy, the wayfarer, and to those who ask, and [gives it also] for the purpose of setting slaves free; and observes proper worship and pays the poor-tax. And those who keep their pact when they make one, and those who are patient in misfortune and adversity and in time of stress. These are the ones who are sincere, the ones who are God-fearing (Koran 2:177).

The Koran: Limits of ‘Ahd for Political Needs

A general precept of fidelity to what has been agreed is clearly stated in several verses of the Koran. This is particularly true of verses related to a clamorous breaking of a pact, or a truce, by the Prophet Muḥammad himself on the occasion of the Holy Day or pilgrimage to Mecca by various tribes. Muslims had just settled down in Medina, and pagans (*mushrikūn*, “who associate other gods with God”) wanted to visit Mecca without fear of attack by Muslims. In the verses of *sūrah* 9 of the Koran, which are believed to have been revealed on this occasion, pagans are upbraided precisely because they have been unfaithful to pacts made with the Islamic community (Koran 9:1-13).

The *sūrah* begins with a denunciation of what had been agreed with the non-Muslims. The initial word *barā‘ah* (“denunciation,”

“disavowal,” “nullification”) can be translated as a “breaking of a non-aggression pact,” “exemption from a promise that had been made” or “end of a compromise”:

Nullification [of obligation] from God and His Messenger [is proclaimed] unto those pagans (*al-mushrikūn*) with whom you have made mutual alliances (Koran 9:1).

The term *mushrikūn* was an epithet referring to “associators” or polytheists, but it was also applied to Hispanic Christians during the Middle Ages. Here it refers to pagan Arabians who had deliberately broken treaties contracted with Muslims.

A punishment is announced next, if the pagans continue in their unbelief and do not repent (Koran 9:2-3), but the text insists that the Muslims will keep their treaties with *mushrikūn* who have lived up to their treaty obligations with Muslims.

Exempted [from the nullification] are those with whom you have entered into alliance and who have not subsequently failed to fulfill their obligations towards you, nor have aided anyone against you. As for these, fulfill your covenant with them until the end of the term (Koran 9:4).

The *sūrah* continues with terrible threats against *mushrikūn*, but punishment will not be inflicted on those who embrace Islam.

But if they repent, perform the prayer, and pay the poor-tax, let them go their way (Koran 9:5).

What is more, protection must be given to those who ask for it, even if they are not Muslims.

If any of the pagans asks you for protection (*juwār*), grant him protection so that he may be able to hear the word of God, and then escort him to his destination where he can be safe (Koran 9:6).

The Koran expresses its doubts about *mushrikūn* complying with what has been agreed, but keeps insisting that

So long as they are true to you, be true to them (Koran 9:7).

However, if enemies do not keep their pacts with Muslims—and this is the essential point of the *sūrah*—war will result. Such a war will be in self-defense as well as for the interests of God, of His Messenger, and of His Community.

If they break their oaths after having concluded a pact, and assail your religion, then fight the leaders of unbelief—for their oaths are nothing to them—in order that they may desist. Will you not fight a people who have broken their oaths, and have intended to drive out the Messenger, and have been the first to attack you? (Koran 9:12-13)

Although these verses (and others) refer to specific events in Muḥammad’s life, they also manifest the fundamental or emblematic Islamic attitude pertaining to the establishment of pacts with non-Muslims. Fidelity to pacts was regarded as normal and traditional in Muslim relations with non-Muslims; the breaking of pacts by engaging in hostilities was seen as the result of disloyalty and treachery on the part of non-Muslims.⁹

According to all commentators and modern historians, the “nullification” of pacts on the occasion of that pilgrimage of non-Muslims to Mecca marks the Prophet’s immersion in complex political activity involving treaties and military campaigns. As one of the last texts revealed to Muḥammad, this passage is particularly symbolic and normative. It is impossible to comment comprehensively here on all koranic verses referring to ‘*ahd*’ as pact and to its related meanings. Similarly, our brief analysis precludes an examination of the treaties of the Prophet Muḥammad.¹⁰

Pacts of Capitulation in Hispania: The Treaty of Tudmīr

As Islamic politico-religious power established itself in new regions during the conquest period, the ratification of pacts with subject communities became essential. Two fundamental realities dominated the issuance of pacts during this period of political conquest, so similar to Muḥammad’s situation in the last years of his life in Medina:

- 1 The ‘*ahd*’ was made in a situation of military superiority. The Muslims, as the dominant power, established the conditions that would regulate future relations between Muslims and non-Muslims within the framework of the now dominant Islamic society.
- 2 Muslims made the ‘*ahd*’ at the same time in a situation of demographic inferiority in relation to the vast majority of non-Muslim inhabitants in the newly conquered regions.

⁹ See for example the double classic koranic comment by al-Mahallī and al-Suyūṭī, *Tafsīr al-Jalalayn*, ed. Aḥmad ibn Muḥammad al-Sāwī al-Mālikī, 2 vols. (Cairo: 1360/1941), II, 127-128.

¹⁰ A good summary of the fluctuations in Muḥammad’s policy and in that of his first successors, with regard to Jews and Christians, is Muḥammad Ḥamīdullāh, *Le Prophète de l’Islam*, 2 vols. (Paris: 1959), and especially in Fattal, *Statut légal des non-musulmans*, pp. 1-69. Some of the more interesting treaties and letters of Muḥammad preserved by Ibn Sa’d have been presented in W. Montgomery Watt, *Muḥammad at Medina* (Oxford: 1956), pp. 354-361.

A certain balance of bargaining factors was represented in the pacts established during this period, resulting from Muslim politico-military superiority and the overwhelming demographic dominance of subject communities. This balance was not symmetrical, but it helped to establish settlements that satisfied mutual interests. This is reflected in the texts of the peace treaties concluded during the conquest period.

One of the most important peace accords that has survived from this period is the treaty of Tudmīr made between ‘Abd al-‘Azīz, the son of the Umayyad governor Mūsā ibn Nusayr, and Theodemir, a representative of local fortress-chiefs in southeastern Spain, an area encompassing the modern regions of Murcia, Alicante, and Valencia.¹¹ The pact itself transferred political power from the Hispanic Visigoths to the Umayyads from Damascus. The generous terms offered to Theodemir reflect a certain balance of bargaining factors between the Muslims who possessed a dominant military position and the Christians who held a dominant demographic position. The text of the treaty reads:

In the name of God, the Merciful, the Compassionate. This is a written agreement [*kitāb*] from ‘Abd al-‘Azīz ibn Mūsā to Tudmīr, son of Ghandarīs, when he entered into a peace [*sulh*] that he [Tudmīr] shall be under God’s pact and under His covenant, and [under] whatever He sent His prophets and His messengers to bring. He shall be under the protection of God—may He be praised and glorified!—and under the protection of Muḥammad—may God bless him and grant him peace! No evil shall be done to him or to his followers of any kind. They [his followers] shall not be taken captive, nor shall they be separated from their wives and their children. They shall not be killed, their churches shall not be burned down, and they shall not be coerced in matters of religion. Their peace agreement [*sulh*] applies to seven cities—Orihucla [*Ūryūlah*], Mula [*Mūlah*], Lorca [*Lūrqaḥ*], (Guadi) Valentilla [*Balantalāh*], Alicante [*Laqant*], Hellin [*lyyuh*], and Elche [*lsh*]—provided that he [Tudmīr] not fail to observe the treaty [*ahd*]; that what has been bound shall not be loosed; that he honor what we have imposed on him and obligated him to do; and that he not conceal information from us that he has acquired. It is also incumbent upon him and his followers to pay the annual tribute [*jūzyah*]. The tribute imposed upon every freeman is: one dinar, plus four bushels (*amdā’*; sing. *mudū*) of wheat, four of barley, four liquid measures (*aqsāt*; sing. *qis*) of vinegar, two of honey, and two of oil. Slaves each pay half that. Witnessed by ‘Uthmān b. ‘Ubaydah al-Qurashī, Ḥabīb b. Abū

¹¹ The classic study is Enrique Llobregat Conesa, *Teodomiro de Oriola, su vida y su obra* (Alicante: 1973), which collects the pact versions transmitted by Ibn al-Dalā’ī, by al-Ḥimyarī, and by al-Dabbī. On the political scope of the pact see Rubiera/Epalza, *Xàtiva musulmana*, pp. 17-46, and Mikel de Epalza, “Descabellament polític i militar dels musulmans a terres catalanes (segles VIII-XI),” *Símposium internacional sobre els orígens de Catalunya (segles VIII-XI)* (Barcelona: 1991), I, 49-79, esp. 55-59.

‘Ubaydah al-Qurashī, Sa’dān b. ‘Abd Allāh al-Rab’ī, Sulaymān b. Qays al-Tujībī, Yahyā b. Ya‘mur al-Sahmī, Bishr b. Qays al-Lakhmī, Ya‘ish b. ‘Abd Allāh al-Azdī, and Abū ‘Aṣim al-Hudhalī. Written in [the month of] Rajab 94 (April 713).¹²

This agreement reflects the Islamic understanding of pacts of capitulation. It might be argued that some of the details do not actually correspond to the early eighth century. Some stipulations may have been added later, even as late as the eleventh century. The very authenticity of such a text may even be questioned.¹³ But one thing is certain—the text reflects the politico-religious conventions regarding pacts of capitulation.

These conventions were very much in evidence during the thirteenth century when Muslim communities sought to make pacts with Spanish Christian kingdoms and these states were bringing the greater part of Iberia under Christian domination. Although from the Muslim point of view these conquests had no political or religious legitimacy, the circumstances of establishing surrender treaties are analogous and can be summarized as follows:

- 1 Military superiority was enjoyed by the conqueror, demographic superiority by the conquered.
- 2 Religious and patrimonial rights of those conquered were preserved, though some payments are made to the conqueror.
- 3 A certain degree of loyalty was required of the conquered society with regard to military matters and alliances.
- 4 Failure to fulfill fiscal requirements or to refrain from belligerency may result in abrogation of the treaty and the rights guaranteed therein.

The subject Muslim communities of the thirteenth century expected the same treatment that subject Christian communities had been accorded under Islamic domination. They wanted to conclude a voluntary and peaceful agreement (*sulh*), when faced with superior military

¹² Translated by Paul E. Chevedden from the version of the treaty recorded by Aḥmad b. ‘Umar Ibn al-Dalā’ī (1003-1085) in *Nuṣūṣ ‘an al-Andalus min Kitāb tarṣī‘ al-akḥbār, wa-tanwī‘ al-āthār wa-al-bustān fī gharā’ib al-buldān wa-al-masālik ilā jamī‘ al-mamālik*, ed. ‘Abd al-‘Azīz al-Aḥwānī (Madrid: 1965), pp. 4-5. For other translations, and for two further translations by Chevedden from other Arabic versions, see below, Appendix: The Treaty of Tudmīr.

¹³ Mikel de Epalza, “La caiguda de València i altres caigudes d’al-Andalus,” pp. 34-35.

force, by surrendering without a fight. That is why the politician and historian Ibn al-Abbār of Valencia, who signed the surrender agreement by which his city was handed over to King James, stressed the fact that Muslim capitulations in the thirteenth century were made in a “voluntary and peaceful” way (*sulḥan*) and not by force of arms (*anwatan*). His remarks confirm the significant parallelism between Muslim pacts of capitulation and those of Mudejar submission.

A pact of capitulation transformed a sovereign community into a subject community. Those submitting to the authority of the new ruler were accorded protected status (*dhimmah*), both in the case of conquered Christians in Iberia during the eighth century, and in the case of conquered Muslims in the peninsula during the thirteenth century. Subject communities under Islam were awarded “protection” also through a grant of *amān* or “security” that the signatory of the pact was given when he asked for protection. The new subject became a *musta'min*, one who has received an *amān*. The koranic basis for the institution of *amān* is derived from *sūrah* 9:6. “If any of the pagans asks you for protection (*juwār*), grant him protection so that he may be able to hear the word of God.” Muslims under Christian domination were also granted an *amān* or pledge of security (see above, chapter nine). Societies that entered into subject status by pacts of capitulation had some of their fundamental rights guaranteed. But these societies found themselves in a “weakened,” “humbled,” or “subordinate” state (*sāghirūna*, Koran 9:29) under Islamic domination, and were regarded under Christian domination, as Mudejars (from *mudajjan*: “domesticated”),¹⁴ “foreigners” or “weak [and] powerless.”¹⁵

Christian Pact-Makers (Mu'āhidūn)

Mu'āhid is the active participle of the verb *'ahada*, which appears in the Koran and means “to make a pact,” “to make an *'ahd*.” Non-Muslims living in domains under Muslim rule (*dhimmī* or *ahl al-dhimmah*, “people enjoying protection and safety”) are sometimes called *mu'āhidūn* (sing. *mu'āhid*, “a person who has entered into a pact”). But the term *mu'āhid* was not applied to all individuals bound by a covenant or pact. In al-Andalus, the term *mu'āhid* came to designate subject Chris-

¹⁴ See Kazimirski, *Dictionnaire*, I, 671-672. Dozy, *Supplément aux dictionnaires arabes*, I, 425.

¹⁵ See also Leila Sabbagh, “La religion des moriscos entre deux fatwas,” *Les Morisques et leur temps* (Paris: 1983), pp. 43-56.

tians under Muslim rule, whereas the term *dhimmī* was reserved for the Jews.¹⁶

The term *mu'āhid*, due to its general character, can be ambiguous. Arabic dictionaries generally define *mu'āhid* as “pact-maker” or “ally.” In a religious context, the term refers to a “monotheist.” In al-Andalus it carried both meanings, within the framework of Islamic *'ahd* discussed above.

Once a conquered society had accepted Muslim political domination, an *'ahd* was concluded with the subjugated community, thereby transforming members of this community into *mu'āhidūn*. They obtained an *amān*, or pledge of security, and were accorded protection (*dhimmah*).

In the fourteenth century, Ibn al-Khaṭīb used the term *mu'āhidūn* both to refer to eighth-century Christians in Granada who fell under Islamic domination and to Christians of the same region who were exiled to the Maghrib in the twelfth century. In the second chapter of his history of Granada, Ibn al-Khaṭīb recounts that “Muslims installed themselves in that province” and describes what happened to “Christian pact-makers” (*al-naṣārā al-mu'āhidīn*): “Emir Abū al-Khattār installed Arab troops ... and distributed among them a third of the riches of the pact-makers (*al-mu'āhidīn*).”¹⁷ Ibn al-Khaṭīb uses the term *al-mu'āhidūn* to refer to subject Christians under Muslim rule.

Ibn al-Khaṭīb later describes how Alfonso I of Aragon in the early twelfth century broke his “pact with the Almoravid state” (*'alā 'ahd al-dawlah al-murābiṭīyah*) and roused the community of Christian pact-makers in Granada to rebellion against the Muslims (*al-mu'āhidah min al-naṣārā li-hādhihi al-kūrah*). Here, an international agreement (*'ahd*) had been breached, and a community of “pact-makers” (*mu'āhidah*) under protection of a Muslim state had violated the terms of its subject status. In the account of the expedition, Ibn al-Khaṭīb identifies the subject Christians in Granada as a “community of pact-makers” (*al-mu'āhidah bi-Ghamāṭah*), but he does not use the term *mu'āhid* (pact-maker) to refer to Alfonso I or the term *mu'āhidah* to refer to the subjects of this sovereign's realms. Rather, he employs the term *Rūm* (Christians) when referring to Alfonso's realms and subjects. During the siege of Granada, “the group of pact-makers (*al-mu'āhidūn*) brought him [Alfonso I] provision and supplies.” When Alfonso I returned to his lands, “Muslims clearly saw the treacherous behavior of their neighbors, the pact-makers” (*makādat jirānihim al-mu'āhidīn*).

¹⁶ See Fattal, *Statut légal des non-musulmans*, p. 73, based on Évariste Lévi-Provençal.

¹⁷ See Ibn al-Khaṭīb, *al-Iḥāṭah fī akhbār Ghamāṭah* (Cairo: 1955), p. 112, where the editor Muḥammad 'Abd Allāh 'Inān offers a long note on the denominations of Christians in al-Andalus.

Ibn Rushd went to see the Almoravid sovereign about the dual crisis presented by a sovereign power breaking its pact with a Muslim state and a subject community under Islamic domination violating the terms of its protected status. He responded by issuing a nullification of protection (*khurūj min al-dhimmah*), which resulted in their expulsion: "The Almoravid ruler ... modified the pact he had with them, and transferred them to the Maghrib ... in great numbers ... with Jews ... and only a few escaped from this pact."¹⁸

Ibn al-Khaṭīb's text indicates that the concept of *'ahd*, or pact, formed the basis for relations between Muslims and non-Muslims in al-Andalus. Muslims maintained a pact with Christian *mu'āhidūn*, or "pact-makers," over the course of centuries. As subjects, the Christian pact-makers were forbidden to enter into alliances with enemies of a Muslim state. If the pact was violated by *mu'āhidūn*, it could be annulled or radically modified. As punishment for violating the terms of their original pact, *mu'āhidūn* in the twelfth century were exiled to other Muslim lands, always keeping their status as derived from the *'ahd* pact. The status of *mu'āhidūn* was altogether different from the status of an independent Christian sovereign and his subjects. Ibn al-Khaṭīb refers to Alfonso I and his subjects as *Rūm* (Christians), never as *mu'āhidūn*.

Another example of the permanent nature of the *'ahd* is found in the Balearic Islands. The Muslims who first arrived in the Balearics made a pact with the Christian population by which they would be ruled by their own local authorities. During the ninth century, Balearic Christians attacked some Muslims, thus breaking the *'ahd*. The government in Córdoba sent a punitive expedition against the malefactors. After defeating them, he granted them his "protection" again and renewed his "pact" with them (*a'tāhum dhimmatahu wajaddada lahum 'ahdahu*).¹⁹ At the beginning of the tenth century, the Islamic government installed representatives directly in Majorca, but at least one Christian fortress resisted and had to be taken by force (*'awatan*); that is why sources no longer talk about an *'ahd* with the remaining Christian population, who do not appear any more in the scarce Arab sources of that period.²⁰

¹⁸ Ibid., pp. 112-120. I am thankful to Professor María Jesús Rubiera Mata for having mentioned so interesting a text to me.

¹⁹ Ibn Hayyān, *al-Muqtabis fi ta'rikh al-Andalus*, ed. Maḥmūd 'Alī Makkī (Beirut: 1973), pp. 2, 4.

²⁰ See Mikel de Epalza, "Los cristianos en las Baleares musulmanas," in *Les illes orientals d'al-Andalus* (Palma de Mallorca: 1987), pp. 133-143; and his "Mallorca bajo la autoridad compartida de bizantinos y árabes (siglos VIII-IX)," in *Homenaje a Juan Nadal* (Athens: 1991), pp. 143-149.

Muslim Peace Treaties with Spain: 18th Century

The Islamic concept of *'ahd* is evident in diplomatic relations between Muslim and non-Muslim states in the eighteenth century, though the balance of power between Islam and Christendom had clearly shifted by that time.

The eighteenth century provides ample testimony of modern diplomatic relations and peace treaties between Muslim and non-Muslim states. This period, which preceded the colonial era of forceful occupation of the nineteenth and early twentieth centuries, offers numerous examples of bilateral agreements between European and Islamic governments. The main powers in the Mediterranean at this time—Morocco, the Ottoman Empire and its dependencies, as well as the Maghribian regencies of Tripoli, Tunisia, and Algiers—had long experience with complicated diplomatic pacts with European states, especially from the second half of the sixteenth century onwards. By the eighteenth century, this tradition was well established in every respect.²¹

During the eighteenth century, the kingdom of Spain had not yet established stable diplomatic relations with Muslim powers, due to religious ill will, though periodic truces or agreements had been reached. In the early eighteenth century, as the throne of Spain passed from the dynasty of the Habsburgs to that of the French Bourbons, it seemed that Spain was going to follow the policy of France, which had stable diplomatic ties with Muslim states. In the context of the European balance of power, however, Spain left to France all initiatives concerning Muslims until the last quarter of the century. Only then, and above all thanks to the aggressive policy of the prime minister, the Count of Floridablanca, would Spain make a determined effort to reach a lasting peace with Muslim states in the Mediterranean. This activity was reciprocated by the Muslim states.²²

Peaceful relations were established by means of peace treaties or

²¹ An extensive bibliography is in Martiniano Pellegrino Roncaglia, *Essai bibliographique de diplomatie islamique (arabe-persanne-ottomane)* (Beirut: 1979).

²² See a recent general view in Mikel de Epalza, "Intereses árabes e intereses españoles en las paces hispano-musulmanas del siglo XVIII," *Anales de historia contemporánea* (Murcia), I (1982), 7-17; his "Intérêts espagnols et intérêts de la Turquie et de ses alliés maghrébins dans la diplomatie hispano-musulmane du XVIIIème siècle," *Studia islamica* (Paris), LVII (1983), 147-161; his "Las relaciones hispano-magrebies en 1812, según un informe contemporáneo," *Almenara* (Madrid), IX (1976), 110-121; and his "Taqrīr ḥawla al-'alaqāt bayna Isbāniya wa-al-Maghrib sanata 1812," *Revue d'histoire maghrébine* (Tunis), IV (1975), 91-96.

mu'ahadāt (sing. *mu'ahadah*),²³ a word derived from koranic *'ahd*. The Hispano-Libyan treaty however, which has been preserved for us in Turkish and Spanish, is identified as an *'aqd sulh ve šalāh* or "contract of peace and reconciliation," not a *mu'ahadah*. This Turkish expression *'aqd sulh ve šalāh* echoes koranic usage.²⁴ The expression must be analyzed in order to reach a better understanding of international treaties between Muslim and non-Muslim governments during the eighteenth century.

In the diplomatic context, the word *'ahd* means "contract agreement," "arrangement"; "legal act," "legal transaction"; "document," "deed";²⁵ or "pact," "alliance," "contract," "convention," "settlement."²⁶ It implies a compromise between both parties and the existence of mutual interests (the Hispano-Libyan pact stipulates a number of mutual benefits attached to the commitments). The agreement is provisional in nature with no political dependence implied by the situation of *'ahd* on the part of the *mu'ahidūn*. Obviously the pasha and king of Tripoli could not consider the king of Spain, with whom he was making the pact, as a subject *mu'ahid*.

On the contrary, the terms *ṣulh* and *ṣalāh* (from the same Arabic root *ṣ-l-h*) remind us of the Islamo-Christian politico-military relationship during the early Islamic period and of the settlement of Muslims in the Iberian peninsula. The word *ṣulh* appears in Muslim accounts of the Islamic conquest movements and refers to hostilities terminated by means of an agreement or treaty (*sulhan*), as opposed to those concluded by means of force (*anwatan*). Although the king of Spain refused to bow to Islam's political power, at least he acknowledged by the Hispano-Libyan treaty the existence of that power in the territory of Tripoli. The complement *ṣalāh* in the binomial *ṣulh ve šalāh* means "reconciliation" (between two political entities, in this case), or "good order," "organization" (restored, if those entities were in an abnormal situation of conflict). It has a sense of going back to normal—that is to say, peace and not confrontation—between a Muslim and a non-Muslim state.

²³ See the title of the Arabic translation of the study by Mikel de Epalza, "El primer tratado de paz hispano-libio de 1784 (1198 hégira)," *Hispania* (Madrid), XLIV (1984), 277-319; *Mu'ahadat al-silm al-ūlā al-isbāniyah al-Libiyah* (Tripoli: 1980); and *Revue d'histoire maghrébine* (Tunis), XVII-XVIII (1980), 33-68.

²⁴ See the preceding note, Tripoli translation in 1980, with photographic reproduction of the text in both languages, articles 1, 2, and 38, and in the eschatocol of the treaty, qualified here also as *'aqd*.

²⁵ Wehr, *Dictionary*, s.v. *'-h-d*.

²⁶ Kazimirski, *Dictionnaire*, II, 312.

One can deduce from the Turkish and Arabic terminology, and from the political practice of Hispano-Islamic relations at the end of the eighteenth century, the general Islamic position. There exists a normal situation of peace and mutual benefit, and an abnormal situation of war and conflict.²⁷

The Dār al-'Ahd

It is well known that Islam divides the world into two parts: the *dār al-islām*, or "Realm of Islam," and the *dār al-ḥarb*, or "Realm of War." The term *dār al-islām* denotes territories ruled by Muslim political authority, while the term *dār al-ḥarb* refers to territories ruled by those who reject Islam, or are enemies of Islam. This binary division is not found in the Koran, but Muslim tradition has attributed it to the Prophet Muḥammad.

Some Muslim jurists, particularly those of the Shāfi'ī school of law, admit the existence of a third category: the *dār al-'ahd* or *dār al-ṣulh*.²⁸ This category is applied to non-Muslim states that have entered into pacts with Muslim powers. These pacts require the acknowledgment of Muslim sovereignty and the payment of tribute.²⁹ An example of this intermediate category is the agreement embodied in the treaty of Tudmīr. New power relationships can alter Islam's relationship with the *dār al-'ahd*, notwithstanding attempts to maintain the appearances of subordination to Islamic power. The signing of a peace treaty in a Muslim country can symbolically be interpreted as a recognition of

²⁷ For the positive consequences of those treaties, both in the case of Tripoli (bibliography above) as in that of Algeria, see Mikel de Epalza, "Algunas consecuencias del tratado de paz hispano-argelino de 1786," *Homenaje a Guillermo Guastavino* (Madrid: 1974), pp. 443-449; his "Notice d'un fonds de lettres officielles algériennes à Madrid (fin du XVIII^e siècle/début du XIX^e siècle de l'hégire)," *Archives nationales* (Algiers), VI (1977), 67-69, 71-74 (article in Arabic and in French); and for Tunisia, Mikel de Epalza and Abdel-Hakim el-Gafsi, "Relations tuniso-espagnoles au XIX^e siècle: documents et synthèse," *Les Cahiers de Tunisie*, XXVI [1978], 101-102, 183-216. The results were not so positive in the case of the treaty with Turkey; see the book (in my view frivolous) by the Spanish diplomat Emilio Garrigues, *Un deslíz diplomático: la paz hispano-turca* (Madrid: 1962), complemented by his *Segundo viaje a Turquía* (Madrid, 1976).

²⁸ Fattal, *Statut légal des non-musulmans*, p. 71.

²⁹ See the excellent study of contemporary Islamic politics by Mohammad-Rezi Djalili, *Diplomatie islamique: stratégie internationale du khomeinisme* (Geneva: 1979), wisely based on the work of Bernard Lewis. See also María Isabel Fierro, "La emigración en el Islam: conceptos antiguos, nuevos problemas," *Aurāq*, XII (1991), 11-41, where she mentions Sayyid Ahmad Khan's opinion that Muslims in the Indian Republic find themselves in a state of *dār al-amān*, "land of security."

Islam's superiority (as in the case of Hispano-Muslim treaties of the eighteenth century); and the presents exchanged during the signing ceremony can be construed as the *mu'ahid's* tribute to Muslim authority.³⁰

The classic and modern conception of the *dār al-'ahd* as an intermediate stage between a *dār al-islām* and a *dār al-ḥarb* demonstrates the importance of *'ahd* as a versatile intellectual construct for cementing relations between Muslim and non-Muslim powers. It represents a transitory situation for an Islam destined to dominate the whole world; but this transitory condition can last as long as it is convenient for the interests of Islamic political power, while the political and military capability required to bring about the universal rule of Islam has yet to be achieved. Obviously this situation can apply to Muslim Mudejars under Christian rule in the Middle Ages.

Mudejar Surrender Treaties with Christian Rulers

Only two thirteenth-century bilingual pacts of Muslim surrenders have survived from medieval Iberia. Each of these has been carefully analyzed by Robert I. Burns and Paul E. Chevedden above.³¹

The Arabic text of the al-Azraq treaty contains some expressions which deserve analysis in the light of diplomatic relations between Muslim and non-Muslim governments. Although "internal evidence suggests that the Arabic text was mandated and executed by the prince's chancery, not by al-Azraq's,"³² it contains Arabic expressions that enable us to locate this diplomatic agreement within the framework of Islamic convention regarding pacts with non-Muslims. Burns has studied this "agreement" as "illustrating the transition of Muslim leaders from an Islamic polity into Mudejar 'feudal' status."³³

³⁰ On various Muslim ways to hide tribute with presents, see Mikel de Epalza, "Attitudes politiques de Tunis dans le conflit entre Aragonais et Français en Sicile autour de 1282" (see above, chap. 2, note 10), and his "El Cid y los musulmanes: el sistema de parias-pagas, la colaboración de Aben Galbón, el título de Cid-León, la posadita fortificada de Alcocer," in *El Cid en el Valle de Jalón* (Zaragoza: 1991), pp. 117-125.

³¹ Chapters 2 and 3 above, for al-Azraq's treaty; and chapters 7 to 9 for Játiva's. I knew about the Játiva treaty through Agustí Ventura, to whom the text had been made known by Jaume Riera, archivist at the Arxiu de la Corona d'Aragó in Barcelona. But I have not studied it in detail, as the two American researchers have done here.

³² Burns and Chevedden, "Al-Azraq's Treaty," p. 5; see also p. 33. Cf. above, pp. 54 and 55.

³³ *Ibid.*, p. 6, and especially in Burns, *Islam under the Crusaders*, ch. 10, pp. 283-325, and his *Muslims, Christians, and Jews*, pp. 257-261.

As Burns has observed, the Arabic text "contains no mention of vassalage, fidelity, personal obligation, or even Islamic allegiance (*bay'ah*), or obedience,"³⁴ whereas the Castilian text insists on the Muslim "vassalage" toward the Christian prince.³⁵ "Even where content coincides with the Romance text, the Arabic presentation is more businesslike."³⁶

The "covenant" in Arabic is qualified as a *ḡahīr*—"decree," "edict," "ordinance" in modern Arabic, particularly in Morocco,³⁷ but also in classical Arabic³⁸ with the sense of "diploma," "grant," "title."³⁹ The expression *amara bihi ... Dūn Alfūnsh ... 'alā ... Abū 'Abd Allāh ibn Hudhayl* ("Don Alfonso ... enjoined it ... upon ... Abū 'Abd Allāh ibn Hudhayl [al-Azraq].") indicates that a bilateral agreement has taken the form of a unilateral decree. Burns and Chevedden indicate that the subtext of this "businesslike" charter is political expediency and stratagem, full of innuendos and mistrust.

The al-Azraq treaty is more an armistice than a capitulation. The provisions of the treaty concern the possession of fortresses and the payment of revenues. These provisions hint at the temporary nature and precariousness of the agreement. The Játiva treaty is a true capitulation, even though it was contracted on a qualified basis and the losing side maintained considerable powers of autonomy.

In their political relations with non-Muslims, Muslims were guided not only by incidental adaptations, but also by an underlying political doctrine that joined together ideal principles and concrete circumstances. Knowledge of that doctrine in its Islamic expression allows us to penetrate the actions of Muslim minorities in Hispanic Christian society of the Middle Ages. The Islamic doctrine of *'ahd* ("pact") and of *'amān* ("security") can be studied from various sources:

- 1 The text of the Koran and Muḡammad's political behavior.
- 2 Muslim doctrine concerning its minorities (*ahl al-dhimmah*).
- 3 The agreements of minority Muslims with Christian authorities in Spain.

³⁴ Burns and Chevedden, "Al-Azraq's Treaty," p. 9. Cf. above, p. 26.

³⁵ *Ibid.*, pp. 18-19, with English translation, pp. 19-20. Cf. above, p. 25-27.

³⁶ *Ibid.*

³⁷ Wehr, *Dictionary*, s.v. *ḡ-h-r*.

³⁸ See Kazimirski, *Dictionnaire*, II, 393-396.

³⁹ See Dozy, *Supplément*, II, 88.

4 Pacts of Muslim authorities with modern non-Muslim states.

In Hispanic society around 1492, pacts and political understandings between Christian authorities and subject Muslim communities were possible due to the historical practice of pact-making and to mutual political interests in the *amān* expressed by a pact of *‘ahd*. At a deeper religious level, Christians had no capacity for dialog with the Muslims, because their central preoccupation was eternal salvation through converting the Muslims. This is a key for understanding the Islamic tragedy of Mudejars and Moriscos in Hispanic Christian society.

NEGOTIATING CULTURES

*Bilingual Surrender Treaties in Muslim-Crusader Spain
under James the Conqueror*

BY

ROBERT I. BURNS, S.J.

AND

PAUL E. CHEVEDDEN

WITH A CONTRIBUTION BY

MÍKEL DE EPALZA



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